



RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES
235 Promenade Street
Providence, Rhode Island 02908

July 16, 2019

RIDOT
Lori A. Fisette, Manager of Project Management
Two Capitol Hill
Providence, RI 02903

Re: Application No. 19-0105 in reference to the location below:

The length of Aquidneck Avenue between East Main Road (Route 138) and Green End Avenue, Middletown, RI

Dear Ms. Fisette:

Kindly be advised that the Department of Environmental Management's ("DEM") Freshwater Wetlands Program ("Program") has completed its review of your Request to verify the delineated edge of freshwater wetlands. This review included an inspection of the above referenced property ("subject property") as described by the most recently revised site plans submitted with your application and received on June 26, 2019.

Based upon the Program's observations and review, it is our determination that freshwater wetlands are present on or are in close proximity to the subject property. These freshwater wetlands are regulated by this Department and include, but are not limited to, at least the following types:

- 1 Swamp
- Perimeter Wetland (that area of land within 50 feet of the edge of any bog, marsh, swamp, or pond)
- 3 Emergent Plant Communities
- 1 Forested Wetland
- 1 River (unnamed)
- Riverbank Wetland (that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow).
- 7 Areas subject to storm flowage
- Floodplain (associated with the river)

The DEM has completed an inspection and review of the wetland edges delineated by you on-site. It is our determination that the wetland edges delineated on-site are accurate. These wetland edges have been shown on the site plan submitted with your application and are referenced as:

- Flags J-1 to J-10 delineates the swamp;
- Flags E-1 to E-7; G-1 to G-10 & G-100 to G-102; and Flags K-1 to K-5 delineate the Emergent Plant Communities;
- Flags H-1 to H-12 delineate the Forested Wetland and;
- Flags M-1 & M-2 and the “S” flagging depict the river location.

The Areas Subject to Storm Flowage (ASSF) are located at the following locations:

- Plan No. 4 & 5 - ASSF flows to an Emergent Plant Community west of site.
- Plan No. 5 to 6 - an ASSF flows to an Emergent Plant Community. Last portion of this ASSF marked by flags F-1 and F-2.
- Plan No. 6 to 7 – Flows from “Photo 19” to building #1036 Aquidneck Avenue. This ASSF is assumed to discharge to the river west of Aquidneck Avenue.
- Plans 7 & 8 - ASSF east of Aquidneck Avenue flows to “G” Emergent Plant Community (EPC). (Flags N-1 to N-4).
- Plan No. 8 - West of Aquidneck Avenue in front of building #1100 and flows to “G” Emergent Plant Community.
- Plan No.10 - West of Aquidneck Avenue in front of building #1170 and flows to “J” swamp.
- Plan No.11 – East of Aquidneck Avenue and flagged by “I” flagging; flows south to “H” forested wetland.

This letter does not constitute an approval or permit for any proposed project on the subject property. Pursuant to R.I. Gen. Laws § 2-1-21(a) of the Freshwater Wetlands Act and the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, 250-RICR150-15-1, a permit is required from this Program prior to the commencement of any activity which impacts or alters freshwater wetlands.

This Program assumes that the edges of freshwater wetlands, as flagged or marked on site, have been accurately surveyed and portrayed on site plans submitted in support of your application. This Program makes no guarantee or representation that such survey is accurate.

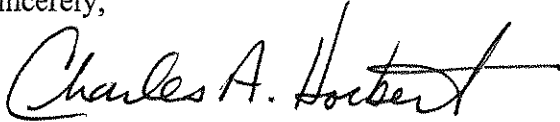
In addition, you should note that freshwater wetlands are present on this property which may be regulated under Section 404 of the Clean Water Act (Federal Water Pollution Control Act, as amended 33 U.S.C. 1344). Accordingly, a permit may be required from the U.S. Army Corps of Engineers for alteration of these wetland areas.

In accordance with 250-RICR-150-15-1.8(C)(8), this verification of the delineated edge of freshwater wetlands is valid for a limited period of four (4) years from the date of issue. You are hereby advised that on July 10, 2015, significant revisions to the RI Freshwater Wetlands Act (R.I. Gen. Laws § 2-1-18 et. seq.) were signed into law. These revisions modify, among other things, the “jurisdictional areas” recognized by the State of Rhode Island. The Department is currently in the process of amending the Rules. If you are contemplating a project on your property, and submit the application prior to the promulgation of the revised Rules, you can expect the wetlands jurisdictional areas to correspond as described in this verification letter.

Any application submitted after promulgation of the Rules will be expected to conform to the then existing and duly promulgated Rules. While these changes will not affect the location of flagged wetland edges as verified in this letter, they may affect how activities located in adjacent jurisdictional upland areas will be regulated. You are advised, in the meantime, to monitor the rulemaking process, which will include opportunities for public input and comment.

Please contact Andrew Charpentier of this Office telephone: (401-222-4700, ext.7414) should you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Charles A. Horbert". The signature is written in a cursive style with a large, sweeping initial "C" and a long horizontal stroke at the end.

Charles A. Horbert, Program Supervisor
Office of Water Resources
Freshwater Wetlands Program
CAH/AC/ac

cc: Keith MacDonald, Pare Corporation